

Appl. No. : 09/213,138
Filed : December 16, 1998

REMARKS

In the Office Action dated July 3, 2007, the Examiner rejected the pending claims. Upon entry of the foregoing amendments, Claims 1-3, 5 and 6 remain pending. Claim 4 has been canceled without prejudice or disclaimer.

Rejection of the Claims Under 35 U.S.C. 103(a)

Claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,966,697 to Ferguson et al. in view of U.S. Publication No. 2002/0004798 to Babula et al. Applicants respectfully disagree with the rejection of these claims because Ferguson and Babula do not individually or collectively disclose or suggest the claimed inventions. However, in an effort to further prosecution, Applicants have amended the claims to further define Applicants' claimed inventions without prejudice or disclaimer.

At a minimum, Ferguson, either alone or in combination with Babula, fails to teach or suggest a computer system including, in addition to the other recited limitations, "a medical product database including first data representing said first set of medical products not sold by said sponsoring company, including second data representing said second set of medical products sold by said sponsoring company, and including third data comprising an identifier representing a correspondence between said first set of medical products and said second set of medical products to identify one or more products from said second set of medical products comparable to one or more products from said first set of medical products, said medical product database stored on a computer readable medium" as recited in Claim 1. Applicants therefore respectfully request withdrawal of the rejection of Claim 1. Applicants further request withdrawal of the rejection of Claims 2, 3, 5 and 6 which depend directly or indirectly from Claim 1 and are also independently allowable.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present

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disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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